IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Revision No.846 of 2006

DATE OF DECISION: OCTOBER 17, 2006

Jagtar Singh and another

.....PETITIONERS

VERSUS

State of Punjab **.....RESPONDENT**

CORAM : HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr.Deepak Arora, Advocate
and Mr.Sham Lal Bhalla, Advocate,
for the petitioners.
Mr.N.S.Gill, AAG, Punjab.

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JUDGMENT

The petitioners have filed this criminal revision against the judgment dated 10.4.2006 passed by the Additional Sessions Judge Fatehgarh Sahib, whereby the appeal preferred by the petitioners against the judgment of conviction and order of sentence dated 14.12.2002 passed by the JMIC, Fatehgarh Sahib, has been dismissed.

2. In this case, both the petitioners along with other accused, faced the trial in case FIR No.48 dated 28.4.1999 registered under Sections 323/324/325/186/148/149 IPC at Police Station Bassi Pathana. Vide judgment dated 14.12.2002 passed by the trial Court, petitioner Jagtar Singh was convicted for the offence under Section 324 IPC and sentenced to undergo rigorous imprisonment for one year and to pay a fine of Rs.200/- or in default of payment of fine to further undergo rigorous imprisonment for two months for the offence punishable under Section 324 IPC. Whereas all other convicts were sentenced to undergo RI for one year and to pay fine of Rs.200/- each or in default to further undergo RI for two months for the

offence punishable under Section 324 read with Section 149 IPC. Petitioner Kulwant Singh was sentenced to undergo RI for six months and to pay fine of Rs.100/- or in default to further undergo RI for one month for the offence punishable under Section 323 IPC. Whereas all other convicts were sentenced to undergo RI for six months and to pay fine of Rs.100/- each or in default to further undergo RI for one month for the offence punishable under Section 323 read with Section 149 IPC. All the convicts were also sentenced to undergo RI for three months and to pay fine of Rs.50/- each or in default to further undergo RI for 15 days for the offence punishable under Section 186 read with Section 149 IPC. Similarly, all the convicts were sentenced to undergo RI for one year and to pay fine of Rs.100/- each or in default to further undergo RI for one month for the offence punishable under Section 148 read with Section 149 IPC. All the substantive sentences of imprisonment were ordered to run concurrently.

3. Aggrieved against the aforesaid judgment, the petitioners along with four other accused, preferred an appeal before the Additional Sessions Judge, Fatehgarh Sahib. The same was dismissed qua the petitioners with regard to the offences under Sections 324/323 IPC. However, with regard to the offences under Sections 148/149 and 186 IPC, the appeal was accepted and both the petitioners were acquitted of the said offences. Further, the sentence awarded to petitioner Jagtar Singh was reduced to nine months for the offence under Section 324 IPC and imposition of fine under the said Section was maintained. Similarly, the sentence awarded to petitioner Kulwant Singh for the offence under Section 323 IPC was also reduced to four months and imposition of fine under the said Section was maintained. Further the sentence awarded to both the petitioners for the offence under

Section 323 IPC was reduced to four months and imposition of fine of Rs.100/- on each of them was maintained. All the sentences were ordered to run concurrently and period of detention, if any, already undergone during investigation and trial of the case by both the petitioners, was set-off.

4. I have heard the counsel for the parties and gone through the judgments passed by both the Courts below.

5. Counsel for the petitioners contends that the learned Additional Sessions Judge, Fatehgarh Sahib erred in law while convicting the petitioners. Counsel further contends that the prosecution has failed to prove that the petitioners ever attacked the other party, rather the other party attacked the petitioners while they were working in their fields. It is the case of the complainant party that when they went to the land of the accused for demarcation of the property, they were inflicted injuries by the accused. The plea of self defence taken by the petitioners was not accepted by the first Appellate Court and it was observed that the accused cannot prevent the Gram Panchayat from demarcating the land which is in their possession and is vested in the Gram Panchayat of the village. It was further observed that the accused were not justified in causing injuries to the complainant party in the right of self-defence. Counsel for the petitioners could not point out any jurisdictional error or patent illegality in the conviction and sentence of the petitioners passed by the Additional Sessions Judge, Fatehgarh Sahib. The offences under Sections 324/323 IPC have been fully established by the medical evidence. No other point has been argued by the counsel for the petitioners.

6. In view of the aforesaid, I do not find any illegality or irregularity in the judgments passed by both the Courts below. Hence, the

criminal revision is hereby dismissed.

October 17, 2006 (SATISH KUMAR MITTAL)
vkg JUDGE